

**MINUTES OF THE REGULAR MEETING
OF THE LA SALLE CITY COUNCIL
October 18, 2021**

A regular meeting of the La Salle City Council of La Salle, Illinois was held Monday, October 18, 2021 at 6:30 p.m. with Mayor Jeff Grove presiding with proper notices being duly and continuously posted.

The meeting was called to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present - Mayor Jeff Grove, Aldermen Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

Absent - NONE

Others Present: Deputy Clerk Brent Bader, Treasurer Virginia Kochanowski, Attorney Jim McPhedran, Superintendent of Public Works Patrick Watson, Finance Director John Duncan, Economic Development Director Leah Inman, City Engineer Brian Brown

APPROVAL OF MINUTES

Moved by Alderman Demes and seconded by Alderman Reynolds to accept and place on file the Minutes of the Regular Meeting of the City Council held October 4, 2021. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

PETITIONS

Moved by Alderman Crane and seconded by Alderman Demes to table the request from Ari Vazquez and Rosa Nieto for a new lamppost at the corner of the home at 705 8th St to the next meeting.

Each and every aldermen has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Ptak and seconded by Alderman Reynolds to deny the request from Mark Voss for a variance to install a well on his property, Oak Ridge Village LLC., to keep a pond filled.

Voice vote, all ayes. Motion carried.

REPORTS OF CITY OFFICERS

Moved by Alderman Bacidore and seconded by Alderman Demes to approve and accept the Building Inspector's Report for September 2021 showing total fees collected of \$586.50 with total value of construction of \$115,105.83.

Voice vote, all ayes. Motion carried.

Moved by Alderman Herndon and seconded by Alderman Reynolds to approve and accept the monthly Police Income Report for July 2021 showing total fees collected of \$4,575.

Voice vote, all ayes. Motion carried.

COMMUNICATIONS

Moved by Alderman Herndon and seconded by Alderman to accept and place on file Thank You letters from LaSalle Peru Township High School Superintendent Steve Wroblewski in regard to the City's and Police Dept.'s participation and support for the LP Homecoming parade.

BIDS

Moved by Alderman Ptak and seconded by Alderman Demes to accept the low bid from Ski Sealcoat for blacktopping at Rotary Park from the Wastewater Plant to the City's yard waste site.

ROLL CALL

AYE: Aldermen Demes, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Mayor Grove

NAY: Aldermen Bacidore, Crane **Absent:** None **Abstain:** None

MOTION CARRIED: 7-2

STANDING COMMITTEES

Moved by Alderman Ptak and seconded by Alderman Lavieri to accept and approve a recommendation from the Finance Committee for a request from Jackson Powell of CL Real Estate, LLC for a Redevelopment Incentive Program grant totaling \$6,100 for premises located at 801 First Street.

ROLL CALL

AYE: Aldermen Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None **Absent:** None **Abstain:** None

MOTION CARRIED: 8-0

Moved by Alderman Herndon and seconded by Alderman Lavieri to accept and approve the request from the Streets, Alleys, and Traffic Committee regarding a request for a handicapped parking sign in front of 1703 Tonti St, one vehicle length to the south of the sidewalk.

ROLL CALL

AYE: Aldermen Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None **Absent:** None **Abstain:** None

MOTION CARRIED: 8-0

OLD BUSINESS

Mayor Grove discussed proposed hours for the City's yard waste site. These hours can go into effect this week:

- Wednesdays 6am to 5pm; Every Wednesday through Wednesday, Dec. 1
- Saturdays 7am until dusk; Every Saturday through Saturday, Dec. 4.
- With every Monday, Tuesday, Thursday, Friday still remains open from 7am-3pm.

The City Leaf Vac Truck will still run for a few more weeks and then continue back in the spring the week of April 1st.

Moved by Alderman Herndon and seconded by Alderman Bacidore to approve the hours of operation for the city's yard waste site.

AYE: Aldermen Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None **Absent:** None **Abstain:** None

MOTION CARRIED: 8-0

Mayor Grove opened the conversation by explaining Deputy Clerk Brent Bader had received three requests for different changes to City Ordinance relating to Noise Pollution and it was Deputy Clerk Bader's decision to create one agenda item to allow open conversation on that portion of the Ordinance as a whole. The three requestors were invited to discuss their requests in the order they were made: beginning with Alderman Bacidore who requested increasing the maximum decibel level in Commercial Areas from 70 to 85 decibels. The request came after recent noise complaints made to police regarding Nick's on 6, 328 Third St. Mr. Gary Hammers and Mr. Nick Hammers were in attendance to discuss this issue with the Council.

Alderman Bacidore began by stating it was his intention to make this applicable only to businesses south of Third Street. Alderman Herndon said the owners of Nick's on 6 have done good work with the building and have put a lot of money into the project. Alderman Herndon said a rise in decibels for bars south of Third Street seems reasonable given the amount of money the owners of Nick's on 6 have put into the property unless additional residents have issues with the request. Alderman Bacidore said the owners bought an inflatable bandstand to keep the noise down. He also noted police were there checking the decibels one night and questioned whether that was appropriate work for police and whether those complaints should be a priority. Mayor Grove asked why shouldn't they respond to those complaints given the police visited twice and identified noise levels of 83.1 and 80.3 decibels which is above the 70 decibels allowed by City Ordinance. Mayor Grove said the police can't pick and choose what complaints they follow up on and which ones they don't. Alderman Lavieri said 85 decibels would be more than 10 times higher if approved. Mayor Grove asked Alderman Bacidore if residents in attendance north of Third Street could leave then if the proposed change would not affect their neighborhood. Alderman Crane interjected that they should stay as any changes made should apply to all bars. Alderman Bacidore said a City goal is to bring people to La Salle and that's what Nick's on 6 does and they then visit other places in town.

Alderman Demes then spoke about his request to roll back when amplified music is allowed from 10 p.m. to 9 p.m., one less hour. He first spoke about the prior request that raising the decibel level is retaliation against residents that call the police. Alderman Demes said the owners of Nick's on 6 did a "wonderful" job with the property. However, he referenced the proposal the Hammers provided the Council prior to development and how there was no mention of a standalone bar. He also mentioned that "occasional" music would be played according to the proposal, but it's become three nights a week. Nick Hammers disagreed stating they do not play three times a week. Alderman Demes said if they deviated from the proposal, they needed to come back to the City to make changes. Alderman Demes then described his personal experience living nearby the property. He's put panels of 4-inch styrofoam with aluminum backing over all his windows and still hears the music. Mayor Grove then invited a City employee to perform a bass guitar outside of the Council Chambers for a sound demonstration of the different decibel levels while Deputy Clerk Bader read off results from a decibel reader. Alderman Demes said they listened for a short time but to imagine that over a three-hour period.

Gary Hammers was then invited to speak before the Council. Gary Hammers thanked the Council for listening to him but said the bass guitarist playing bass music next to the door of the Council Chambers was a poor example to use as it's not representative of all music played at Nick's on 6. Mayor Grove clarified that it is their request to extend the hours allowed for amplified music from 10 p.m. to 11 p.m., which Gary Hammers confirmed. Gary Hammers referred to his agreement with the City which requested cooperation by both parties. Mayor Grove said the City gave property to Gary Hammers and that the City had already put \$205,000 into it. He said that this proceeding is the usual process of requesting changes to an Ordinance. Gary Hammers and Mayor Grove discussed portions of the agreement relating to penalties, but Mayor Grove asked that the conversation stick to the request regarding amplified music hours. Aldermen Herndon, Bacidore and Crane requested to let him speak about everything he wants to discuss. Gary Hammers then reviewed his agreement with the Council and what they've accomplished and asked that the City work in "good faith" with him as he is attending the meeting in "good faith." He acknowledged he purchased a large inflatable band shelter to reduce the noise issues for neighbors. He noted the agreement asks for the City to "cooperate fully" which Gary said isn't happening if they're restricted on their hours of operation. Mayor Grove said that's what the Ordinance asks of everyone. Gary Hammers said he's created three

new businesses and the employees of which rely on the success of the project. Alderman Herndon asked Gary Hammers to tell the Council he's a hearing aid specialist and that he's familiar with decibel levels and what they mean.

Alderman Reynolds noted the Council has gotten "blown out of proportion" but the main issue discussed here is about noise. His recommendation is to leave the Ordinance alone and asks the developer to cooperate with the City and the surrounding residents. He said if all the neighbors nearby agreed with changes, it may be different. Nick Hammers said the business has complied with all police visits and he does what he can to both run a business and please nearby residents. Nick Hammers said that on the night referenced earlier, the business was too loud and he apologized for it. But, he said, the hundreds of guests visited other places in La Salle before and after the music ended. Nick Hammers said he doesn't mind keeping the decibel level the same but doesn't want the amplified music hours reduced and claimed the whole issue is specific to Alderman Demes. Alderman Reynolds asked if Nick Hammers could maintain his noise level to 70 decibels and Nick Hammers said he could. Alderman Demes and Nick Hammers engaged in conversation regarding the Noise Pollution ordinance and how it related to amplified sound.

Eric Pyszka, owner of the associated Launch Kitchen and Bottles and Barrels located at the same address, then addressed the Council. He said they spoke to the neighbors and they said they enjoy the music. He said he believes the problem is specific to Alderman Demes and that his business will be negatively impacted if police are routinely interrupting business. Mayor Grove said he was the one who asked the police to visit the bar to do "spot checks" for an idea as to what the music levels are generally when the two violations were discovered. Mayor Grove said neighbors may not be honest when the business owner asks them if they're the ones complaining to police about noise.

Conversations were had about why the three requests were made in succession, some as a result of requests from others, and City Attorney Jim McPhedran clarified which requests were still under consideration. The representatives from Nick's on 6 said they do not see any need to increase the max decibel levels in the Commercial District. Gary Hammers said they'll follow the ordinance as written but if they're having a large band with hundreds of people coming to the bar, they'll reach out to the City prior to request a special permit for an extension of hours for amplified music. This is allowable under the current Ordinance and is available to other businesses. Economic Development Director Inman was invited to give a perspective by Mayor Grove and she indicated she felt earlier comments from Gary Hammers relating to the City's inability to cooperate fully was inaccurate given the assistance staff has given throughout the project. She stated the City did see through their end of the agreement and the current issue is specific to noise levels. Attorney McPhedran agreed and said he's not heard any official complaint of a lack of cooperation previously. He expressed the City will continue to work with them.

Mayor Grove asked the Council to give thoughts prior to inviting the public to speak so they know what's being voted on. Alderman Ptak made a motion to keep the Ordinance as it is as shrinking the hours would be unfair to businesses and extending them would be unfair to residents.

Moved by Alderman Ptak and seconded by Alderman Jeppson to make no changes to the Noise Pollution Ordinance

ROLL CALL

AYE: Aldermen Demes, Ptak, Reynolds, Lavieri, Jeppson, Crane

NAY: Alderman Baciore, Herndon Absent: None Abstain: None
MOTION CARRIED: 6-2

Mayor Grove clarified for the public that any bar or restaurant can make requests of the City as needed for their business operations for certain events, such as the closure of a road.

Mayor Grove invited the public to speak. Many residents spoke to the Council about other issues they've had with other businesses in the community ranging from loud noise from the establishments, trash left out in the community, obscenities being heard from open doors, etc. They indicated concerns about extending the hours of amplified sound and how that may affect their neighborhoods. Craig Vickery read off a letter from his wife, Laura, regarding Nick's on 6 wherein she called the noise from the business as "unbearable." She requested no extension of hours for amplified music or a rise in maximum decibel levels be granted. Mr. Vickery then said he went around to his neighbors to ask them about the situation and read off six names of residents who indicated they have issues with the level and frequency of noise from Nick's on 6.

Gary Hammers asked to speak again following public comment and said he made an offer to buy Alderman Demes' property to have him move to another neighborhood.

APPROVAL OF BILLS

Moved by Alderman Ptak and seconded by Alderman Lavieri to accept, pay, and place on file bills for October 4, 2021 with Total Submitted: \$547,213.26 (Total Payroll \$179,971.06, Bills to be paid \$201,183.79, Total Bills Paid \$166,058.41).

ROLL CALL

AYE: Aldermen Demes, Baciore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None **Absent:** None **Abstain:** None

MOTION CARRIED: 8-0

Moved by Alderman Reynolds and seconded by Alderman Crane to adjourn the meeting.
Voice vote, all ayes. Motion is carried.

ADJOURNED 8:23 pm

A handwritten signature in black ink that reads "Amy Quinn". The signature is written in a cursive, flowing style.

Amy Quinn, City Clerk